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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

YESINEY BURGESS,

Plaintiff,

vs.

GEICO INDEMNITY COMPANY, a
Foreign Corporation; DOES 1 through 10;
and ROE ENTITIES 1 through 10,
inclusive,

Defendants.

CASE NO.: 2:23-cv-00372-JAD-BNW

**STIPULATION AND ORDER TO
CONDUCT CERTAIN DEPOSITIONS
OUTSIDE OF DISCOVERY
(FIRST REQUEST)**

Pursuant to LR IA 6-1 and LR 26-3 and FRCP 26, the parties, Plaintiff, YESINEY BURGESS, by and through her attorneys, RICHARD HARRIS LAW FIRM, and Defendant, GEICO GENERAL INSURANCE COMPANY erroneously sued as GEICO INDEMNITY COMPANY, by and through its attorneys, WINNER & BOOZE, hereby enter into this stipulation to conduct certain depositions specifically described herein outside the close of discovery.

STIPULATION

1. Discovery Completed:

The parties completed the following discovery:

- The parties served initial disclosures and supplements thereto.

- Defendant requested and received records from Plaintiff's medical providers.
- Defendant subpoenaed the records of Dr. William Muir, Nevada Highway Patrol and State Farm Insurance.
- Written discovery was exchanged between the parties and responses were provided.
- The parties served initial and supplemental expert disclosures as well as rebuttal expert disclosures.
- Defendant conducted the deposition of Plaintiff Yesiney Burgess. This deposition is now complete.
- Defendant conducted the deposition of Dr. William Muir. This deposition is now complete;

2. Remaining discovery:

There is no remaining discovery.

3. Reasons why discovery was not completed:

The parties have worked diligently to coordinate discovery. The parties agreed to and are attending mediation on September 28th. The parties are optimistic that this case will resolve. However, the parties agreed that should this matter not resolve at mediation, Plaintiff will conduct the deposition of the GEICO FRCP 30(b)(6) witness, GEICO employee, Christopher Teves, and GEICO employee, Christopher Wilband. These depositions will be conducted via remote means and will occur within forty-five (45) days of the mediation, should this case not resolve. Because the parties are optimistic that this case will resolve at mediation, the parties agreed to save on the cost of these depositions and not conduct them before the mediation. For these reasons, there is good cause for these depositions, as described herein, to be conducted outside the current discovery deadline. The parties agree that this discovery plan serves the interest of the parties and ensures that this case is decided on the merits.

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4. Proposed schedule:

The discovery cutoff is currently September 20, 2023. The parties agree that the depositions listed above will be conducted outside of the current discovery cutoff. The last days to amend pleadings and to disclose initial and rebuttal experts are closed.

The last day to file dispositive motions is presently scheduled for October 20, 2023. The parties hereby respectfully propose that this deadline be moved to January 12, 2024, to afford the parties sufficient time to complete the necessary discovery as detailed herein and to file dispositive motions, as necessary. The parties respectfully request that the deadline for the pretrial order be moved to thirty (30) days after the new dispositive motion deadline in accord with Local Rule. As such, the new date for the Pretrial Order will be February 12, 2024. In accord with the prior orders of this Honorable Court, Pretrial Disclosures will be made thirty days before trial as required by FRCP 26(a)(3)(B).

5. Trial Date:

There currently is no trial date scheduled in this matter.

DATED this 20th day of September, 2023

DATED this 20th day of September, 2023.

WINNER & BOOZE

RICHARD HARRIS LAW FIRM

By: /s/Lara L. Miller

By: /s/Jonathan B. Lee

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IT IS SO ORDERED

DATED: 9:03 pm, September 21, 2023

BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE